# **EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 3

**DOCKET NO.:** 2007-1239-PST-E **TCEQ ID:** RN102042728 **CASE NO.:** 34354 **RESPONDENT NAME:** Arash The Archer Corporation dba Corner Food Store

ORDER TYPE:		
1660 AGREED ORDER	X FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	X PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Convenience sto  SMALL BUSINESS: _X_Yes  OTHER SIGNIFICANT MATTERS: A co- dispensing nozzles were not working. There  INTERESTED PARTIES: A complaint war- Agenda.  COMMENTS RECEIVED: The Texas Reg  CONTACTS AND MAILING LIST:         TCEQ Attorney/SEP Coordinator         Mr. Bryan Sinclair, Enforcement D Respondent: Mr. Akbar Alviri, Pro-	mplaint was received on June 15, 2007, alleging that is no record of additional pending enforcement actions received, but the complainant has not expressed a dister comment period expired on January 22, 2008.  T: None  Mr. Rajesh Acharya, Enforcement Division, Enf	at the automatic shut off valves on the fuel ons regarding this facility location.  desire to protest this action or to speak at  No comments were received.

**DOCKET NO.:** 2007-1239-PST-E

#### VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS WING VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED Total Assessed: \$4,600 **Corrective Actions Taken:** Type of Investigation: X Complaint Routine Total Deferred: \$0 The Executive Director recognizes that the Enforcement Follow-up \_\_Expedited Settlement Respondent submitted a completed UST Records Review registration and self-certification form and Financial Inability to Pay obtained a TCEQ delivery certificate on Date(s) of Complaints Relating to this August 1, 2007. Case: June 15, 2007 SEP Conditional Offset: \$0 **Ordering Provisions:** Date of Investigation Relating to this Total Paid (Due) to General Revenue: \$155 (remaining \$4,445 due in 35 monthly payments Case: July 11, 2007 The Order will require the Respondent to: of \$127 each) Date of NOV/NOE Relating to this Case: a. Immediately upon the effective date of July 26, 2007 (NOE) **Site Compliance History Classification** this Agreed Order, begin maintaining all High X Average Poor Stage II records at the Station; Background Facts: This was a complaint investigation. Person Compliance History Classification b. Within 30 days after the effective date \_\_ High \_\_X\_Average \_\_\_ Poor of this Agreed Order, upgrade the Stage II WASTE vapor recovery system to ORVR Major Source: \_\_\_ Yes \_X\_ No compatible systems, and post operating 1) Failed to maintain all required Stage II instructions on the front of each gasoline records at the Station and make them Applicable Penalty Policy: September 2002 dispensing pump; and immediately available for review upon request by the authorized representatives Findings Orders Justification: The c. Within 45 days after the effective date of of the Executive Director [30 Tex. ADMIN. Respondent has three repeated enforcement this Agreed Order, submit written CODE § 115.246(1), (3), (4), (5), (6) and actions over the prior five year period for the certification and include detailed Tex. Health & Safety Code § same violation. supporting documentation including 382.085(b)]. photographs, receipts, and/or other records to demonstrate compliance with Ordering 2) Failed to upgrade the Stage II vapor Provisions a. and b. recovery system to onboard fueling vapor recovery ("ORVR") compatible systems [30 Tex. Admin. Code § 115.242(1)(C) and Tex. Health & Safety Code § 382.085(b)]. 3) Failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system [30 Tex. ADMIN. CODE § 115.242(9) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 4) Failed to renew a delivery certificate by timely and proper submission of a completed underground storage tank ("UST") registration and self-certification form to the agency at least 30 days before the expiration date of the delivery certificate [30 Tex. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].

Page 3 of 3

# **RESPONDENT NAME:** Arash The Archer Corporation dba Corner Food Store **DOCKET NO.:** 2007-1239-PST-E

5) Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs at the Station [30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)].		

Additional ID No(s).: 43968

Policy Revision 2 (Septer		alty	Calculatio	n Works	sheet (P	•	vision June 26, 2007
TCEQ	20 14 2007			-{\footnote{\text{c}}			
	30-Jul-2007 8-Nov-2007 <b>S</b>	creenin	ng 31-Jul-2007	EPA Due	<u> Addin Jan 1981 An</u> Haring		
RESPONDENT/FACILITY IN							
Respondent A Reg. Ent. Ref. No. R	rash The Archer N102042728	Corpora	ation dba Corner	Food Store			
Facility/Site Region 1	2-Houston			Major/	Minor Source	Minor	
CASE INFORMATION							
Enf./Case ID No. 3	4354 007-1239-PST-E			No.	of Violations Order Type		
Media Program(s)			1.12	Ent		Rajesh Acharya	
Multi-Media						EnforcementTeam	6
Admin. Penalty \$ Li	mit Minimum	\$0	Maximum	\$10,000		***************************************	
		Pen	alty Calcul	ation Sec	tion		
TOTAL BASE PENALT	Y (Sum of vic		<u>-</u>			Subtotal 1	\$4,000
						ggern ziere juggern generalier	1 200 H. J. S. L.
ADJUSTMENTS (+/-) T Subtotals 2-7 are obtaine			Penalty (Subtotal 1)	by the indicated p	ercentage.	alan dan Bergittigen bilas	
Compliance Histor				6 Enhancement		otals 2, 3, & 7	\$600
Notes	Enhanceme	nt for thr	ee NOVs with sa	ıme or similar v	violations.		
in de la	No 1st	KILLA N		/	anti na garanji ma	Subtotal 4	\$0
Culpability	No	<u> </u>	לט	6 Enhancement	· · · · · · · · · · · · · · · · · · ·	Subtotal 4	φυ
Notes	The Res	pondent	does not meet ti	ne culpability c	riteria.		
Good Faith Effort t	o Comply		09	√o Reduction	reguen e	Subtotal 5	\$0
		OV to ED	PRP/Settlement Offe				<u> </u>
Extraordinary Ordinary						•	
N/A	X (m	ark with x	<u> </u>			_	
Notes	The Res	pondent	does not meet t	he good faith c	riteria.		
						<u> </u>	
	Total EB Amounts	\$42		6 Enhancement* ed at the Total EB	\$ Amount	Subtotal 6	\$0
Approx. Co	ost of Compliance	\$1,100					
SUM OF SUBTOTALS	1-7				1	Final Subtotal	\$4,600
OTHER EACTORS AS	HISTICE MA	V DEC	VIIDE				
OTHER FACTORS AS Reduces or enhances the Final Sul			The second secon	only; e.g30 for -3	] 9%.)	Adjustment	
<u>.</u>							
Notes							
L					Final Pe	nalty Amount	\$4,600
CTATUTODY LIMIT AF	LICTMENT				dev <u>re</u> de de		\$4,600
STATUTORY LIMIT AD	JUG I WEN I				rınaı Assı	essed Penalty	<b>Ψ4,000</b>
<b>DEFERRAL</b> Reduces the Final Assessed Penal	ty by the indicted per	rcentage	(Enter number only:	0% e.g. 20 for 20% red	The state of the s	Adjustment	\$0
· [						7	
Notes	No de	terral is	recommended fo	or Findings Ord	ers.		
L			The second of the second	estate service	. 18 - 1	<b></b> Tanananan kacamatan katawa <del>kacama</del>	
PAYABLE PENALTY							\$4,600

Screening Date 31-Jul-2007

Docket No. 2007-1239-PST-E

PCW

Respondent Arash The Archer Corporation dba Corner Food Store

Policy Revision 2 (September 2002) PCW Revision June 26, 2007

Enter Number Here Adjust.

Case ID No. 34354

Reg. Ent. Reference No. RN102042728

>> Compliance History Site Enhancement (Subtotal 2)

Component Number of...

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rajesh Acharya

**Compliance History Worksheet** 

NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0,100	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	1. O 1. A	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Addition	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Plea	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
N**	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment P	ercentage (S	ubtotal 2)
eat Violator (Su	btotal 3) summatitus	1.1.1.20.71.71	
No	Adjustment P	ercentage (S	ubtotal 3)
pliance History	Person Classification (Subtotal 7)		
Average Po	erformer Adjustment P	ercentage (S	ubtotal 7)
pliance History	/ Summary		
Compliance History Notes	Enhancement for three NOVs with same or similar violations.		jaust ettää ete
	Total Adjustment Percentage	(Subtotals 2	2, 3, & 7)
40.9			

Screeni	ing Date 31-Jul-2	007	Dock	et No. 2007-1239-PS	Г-Е	PCW
Res	<b>pondent</b> Arash Tl	he Archer Corporat	ion dba Corner Fo	od Store	Policy Re	vision 2 (September 2002)
	e ID No. 34354				PC	W Revision June 26, 2007
Reg. Ent. Refere						
	Statute] Petroleu					
	rdinator Rajesh	Acharya				
violatio	n Number 1					***************************************
Ru	ule Cite(s) 30 Tex	. Admin. Code § 11	15.246(1), (3), (4), 382.08	(5), (6) and Tex. Health 5(b)	& Safety Code §	***************************************
Violation De	immedi Execut execu	ately available for r ive Director. Specif tive Order, a record	eview upon reques ically, a copy of the l of maintenance c	ecords at the Station and the station and the state of the state of the Stage I of Stage II testing were w.	esentatives of the es Board (CARB) Il equipment, the	
					Base Penalty	\$10,000
>> Environmental, P	roperty and Hur		rix			
	Release Majo	Harm or Moderate	Minor			***************************************
OR	Actual			<u></u>	·	***************************************
	Potential			Percent	0%	
	. •					
>>Programmatic Ma		or Moderate	Minor			
	alsification Majo	DI Moderate	Willion	Percent	10%	
<u>L</u>					10 70	
Matrix Notes		100% of the	e rule requirement	was not met.		
				Adjustment	\$9,000	
					Γ	\$1,000
Violation Events					L Saintagaineachta an Taire	
		. [	1	00 ]	-4'1	
Nu	mber of Violation E	vents 1		Number of viol	ation days	
	dail mont	hly		<b>V</b> 6. 1-		¢1 000
, m	ark only one quart with an x semiar annu single e	nnual		Viola	tion Base Penalty	\$1,000
O	ne single event is r	ecommended base	d on documentatio investigation.	n of the violation during	the July 11, 2007	,
Economic Benefit (E	B) for this viola	ation		Statutory L	imit Test	
***************************************	Estimated EB Am	nount	\$17	Violation F	inal Penalty Total	\$1,150
***************************************					,	
		T	his violation Fina	ıl Assessed Penalty (a	ajusted for limits)	\$1,150

	E	conomic l	3enefit W	orks	sheet		
Respondent	Arash The Arch	ner Corporation dba	Corner Food Sto	re			
Case ID No.							
Reg. Ent. Reference No.	8				*. *		
7.7	Petroleum Stor	age Tank			141 m		Years of
Violation No.	5	ago rank				Percent Interest	Depreciation
violation ivo.	i I					1	
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	1.11		100	13.00		
Delayed Costs				_			
Equipment	a self-tur			0,0	\$0	\$0	\$0
Bulldings			ښيمونود پينوس ک	0,0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	11-Jul-2007	11-Mar-2008	0.7	\$17	n/a	\$17
Training/Sampling		3.75 × 4		0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0 \$0	n/a	\$0 \$0
Other (as needed)				0,0	\$0	n/a	- \$0
Notes for DELAYED costs			the estima	ted com	pliance date.	stigation date and the	
Avoided Costs	ANN	IUALIZE [1] avoide	d costs before e			one-time avoided c	
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0 00	\$0
Inspection/Reporting/Sampling			<del></del>	0.0	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/equipment				0.0	\$0	\$0 \$0	\$0 \$0
Financial Assurance [2]				0.0	\$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0 \$0	\$0 \$0
Other (as needed)		<u> </u>		<u>  0.0</u>	1 40	<u> </u>	<u> </u>
Notes for AVOIDED costs							en alta en alta
						<del></del>	

Screening Date	31-Jul-2007 <b>Docket No.</b> 2007-1239-PST-E	PCW
Respondent	Arash The Archer Corporation dba Corner Food Store	Policy Revision 2 (September 2002)
Case ID No.		PCW Revision June 26, 2007
Reg. Ent. Reference No.		CONTRACTOR
5	Petroleum Storage Tank	ACCAMPINA
Enf. Coordinator		
Violation Number	2   20 Toy Admin Code \$ 445 242(4)(5) 445 242(0) and Toy Hoalth & So	fot: Codo S
Rule Cite(s)	30 Tex. Admin. Code § 115.242(1)(C), 115.242(9) and Tex. Health & Sa 382.085(b)	
Violation Description	Failed to upgrade the Stage II vapor recovery system to onboard refue recovery (ORVR) compatible systems. Also, failed to post operating in conspicuously on the front of each gasoline dispensing pump equipped wapor recovery system.	structions
		Base Penalty \$10,000
>> Environmental, Property a	nd Human Health Matrix	
	Harm	
Release OR Actual	Major Moderate Minor	
Potential	X Percent 1	0%
		<u></u>
>>Programmatic Matrix		
Falsification	Major Moderate Minor	
	Percent	0%
Human book	h or the environment will or could be expected to cignificant amounts of no	Hutanta which
Matrix   would not ex	h or the environment will or could be exposed to significant amounts of pol seed levels that are protective of human health or environmental receptors	
Notes	the violation.	
	Adjustment	\$9,000
		\$1,000
Violation Events		
Nivert and KVC	I ation County C	- d
Number of Vio	lation Events 1 20 Number of violatio	n days
	daily	а
	monthly	
mark only one		Base Penalty \$1,000
with an x	semiannual	
,	annual single event	,
***************************************		
One quarterly	event is recommended from the investigation date of July 11, 2007 to the	screening date
one quarterly	of July 31, 2007.	
Economic Benefit (EB) for thi	s violation Statutory Limi	t Test
Estimated	EB Amount \$19 Violation Final	Penalty Total \$1,150
CONTRACTOR	t-m	
	This violation Final Assessed Penalty (adjus	sted for limits) \$1,150

Case ID No. Reg. Ent. Reference No.		•				Professional	
Media	Petroleum Sto				and the second	Percent Interest	Years of
Violation No.	2				and the second second	t tracis a dise	Depreciation
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	5.0 Onetime Costs	1 EB Amount
Item Description		the second second second second	Fillal Date		interest Saveu		~LB Amount
Delayed Costs		1	<u> </u>	7		<u> </u>	40
Equipment	<del>leite de la constante de la cons</del>	<u> </u>	471	0.0	\$0 \$0	\$0 \$0	\$0 \$0
Buildings Other (as needed)				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/construction				0.0	\$0	\$0	\$0 \$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
		II II					
Permit Costs				0.0	\$0	n/a	\$0
•		11-Jul-2007 ed cost to upgrade th		0.0 0.8 nent to C	\$0 \$19 DRVR compatible s	n/a n/a systems, and to post	\$0 \$19 operating
Permit Costs Other (as needed) Notes for DELAYED costs	Estimate instruction	ed cost to upgrade th is on dispensers. The	e Stage II equipn e Date Required i cor	0.0 0.8 nent to C is the da npliance	\$0 \$19 DRVR compatible ste of investigation.	n/a n/a systems, and to post The Final Date is th	\$19 \$19 operating e estimated
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs	Estimate instruction	ed cost to upgrade these on dispensers. The	e Stage II equipn e Date Required i cor	0.0 0.8 nent to C is the da inpliance	\$0 \$19  RVR compatible ste of investigation. date.	n/a n/a systems, and to post The Final Date is the one-time avoided o	\$0 \$19 operating e estimated
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal	Estimate instruction	ed cost to upgrade th is on dispensers. The	e Stage II equipn e Date Required i cor	0.0 0.8 nent to C is the da inpliance entering 0.0	\$0 \$19 PRVR compatible ste of investigation. date.	n/a n/a systems, and to post The Final Date is the	\$0 \$19 operating e estimated
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel	Estimate instruction	ed cost to upgrade th is on dispensers. The	e Stage II equipn e Date Required i cor	0.0 0.8 nent to C is the da inpliance entering 0.0	\$0 \$19 RVR compatible ste of investigation. date.	n/a n/a systems, and to post The Final Date is the cone-time avoided of \$0 \$0	\$0 \$19 operating e estimated osts) \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimate instruction	ed cost to upgrade th is on dispensers. The	e Stage II equipn e Date Required i cor	0.0 0.8 nent to C is the da inpliance entering 0.0 0.0	\$0 \$19 RVR compatible ste of investigation. date. item (except for \$0 \$0 \$0	n/a n/a systems, and to post The Final Date is the cone-time avoided cone-time avoid	soperating e estimated  osts)  \$0  \$0  \$0  \$0  \$0  \$0  \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimate instruction	ed cost to upgrade th is on dispensers. The	e Stage II equipn e Date Required i cor	0.0 0.8 nent to C is the da inpliance entering 0.0 0.0 0.0	\$0 \$19  RVR compatible ste of investigation. date.    item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a systems, and to post The Final Date is the cone-time avoided c \$0 \$0 \$0 \$0 \$0	so stay so
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimate instruction	ed cost to upgrade th is on dispensers. The	e Stage II equipn e Date Required i cor	nent to Cost the dampliance entering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	\$0 \$19  PRVR compatible ste of investigation. date. iiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiii	n/a n/a n/a systems, and to post The Final Date is the cone-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$19 operating e estimated osts) \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimate instruction	ed cost to upgrade th is on dispensers. The	e Stage II equipn e Date Required i cor	0.0 0.8 ment to C s the da inpliance entering 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$19  RVR compatible ste of investigation. date.      Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a systems, and to post The Final Date is the one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$19 operating e estimated osts) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimate instruction	ed cost to upgrade th is on dispensers. The	e Stage II equipn e Date Required i cor	nent to Cost the dampliance entering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	\$0 \$19  PRVR compatible ste of investigation. date. iiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiii	n/a n/a n/a systems, and to post The Final Date is the cone-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$19 operating e estimated osts) \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimate instruction	ed cost to upgrade th is on dispensers. The	e Stage II equipn e Date Required i cor	0.0 0.8 ment to C s the da inpliance entering 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$19  RVR compatible ste of investigation. date.      Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a systems, and to post The Final Date is the one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$19 operating e estimated osts) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimate instruction	ed cost to upgrade th is on dispensers. The	e Stage II equipn e Date Required i cor	0.0 0.8 ment to C s the da inpliance entering 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$19  RVR compatible ste of investigation. date.      Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a systems, and to post The Final Date is the one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$19 operating e estimated osts) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimate instruction	ed cost to upgrade th is on dispensers. The	e Stage II equipn e Date Required i cor	0.0 0.8 ment to C s the da inpliance entering 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$19  RVR compatible ste of investigation. date.      Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a systems, and to post The Final Date is the one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts)  \$0 \$19 operating e estimated  osts)  \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	31-Jul-2007	Docket N	o. 2007-1239-PST-E	PCW
Branch Control of the	Arash The Archer Corporat	ion dba Corner Food Stor	re Po	licy Revision 2 (September 2002)
Case ID No.	34354			PCW Revision June 26, 2007
Reg. Ent. Reference No.	RN102042728			
Media [Statute]	Petroleum Storage Tank			**************************************
Enf. Coordinator	Rajesh Acharya			and the second
Violation Number	3			
Rule Cite(s)	30 Tex. Adı	min. Code § 334.8(c)(4)( <i>f</i>	A)(vii) and (c)(5)(B)(ii)	
Violation Description	UST registration and self	f-certification form to the	proper submission of a complet agency at least 30 days before ti ly, the delivery certificate expired	ne
			Base Per	salty \$10,000
>> Environmental, Property a	nd Human Health Mat	rix		
	Harm			
Release	Major Moderate	Minor		
OR Actual			Percent 0%	
Potential			Percent 0%	
>>Programmatic Matrix				
Falsification	Major Moderate	Minor		
	X		Percent 10%	
Matrix Notes	100% of th	e rule requirement was n	ot met.	
				000
			Adjustment \$9	0,000
VALANCIA PARIO				\$1,000
NATION AND ADDRESS OF THE PROPERTY OF THE PROP				
Violation Events				
		1		
Number of Vi	olation Events 1	487	Number of violation days	
Average of the second of the s	daily	1	•	
	monthly			
mark only one	quarterly		Violation Base Pe	nalty \$1,000
with an x	semiannual	]		-
	annual	]		
	single event x			
One single	event is recommended base		ne violation during the July 11, 2	007
		investigation.		
<u> </u>				
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimate	d EB Amount	\$7	Violation Final Penalty	Total \$1,150
		This violation Final Ass	sessed Penalty (adjusted for li	mits) \$1,150

1	E.	conomic E	Benefit W	/orks	sheet	1		
		her Corporation dba						
Case ID No.						ner ole "Linea.		
Reg. Ent. Reference No.	RN102042728				•	The Radia of the American		
Media	Petroleum Stor	rage Tank			e e e	Percent Interest	Years of	24
Violation No.	3			. :	, attendiq	r ercent miterest	Depreciation	1
					typetisk in	5.0	( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( )	5
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount	
Item Description	No commas or \$	1. A.				pr. (53) - 50)	2.	
The second secon	The state of the s		· · · · · · · · · · · · · · · · · · ·			· control of the cont		
Delayed Costs	C. C. C. State		i te		1.00			
Equipment .	Section 1	1 . Section 14	L. A. C. C. C.	0.0	<b>\$0</b>	<b>\$0</b>	\$0	
Buildings				0,0	\$0	yr \$0°	\$0′	
Other (as needed)				0.0	\$0	\$0	\$0	
Engineering/construction		9.5		0.0	\$0	<b>\$</b> 0	\$0	
Land				0.0	\$0	n/a	\$0	_
Record Keeping System				0.0	\$0	n/a	\$0	_
Training/Sampling				0.0	\$0	n/a	\$0	
Remediation/Disposal				0.0	\$0	n/a	\$0	<del>a (</del>
Permit Costs Other (as needed)	\$100	31-Mar-2006	1-Aug-2007	0.0	\$0 \$7	n/a n/a	\$0 \$7	
Notes for DELAYED costs		cost to renew a deliv rm. The Date Requi	red is 30 days be	fore the				al
L Avoided Costs	ANN	NUALIZE [1] avoide	d costs before e	enterina	item (except for o	one-time avoided of	osts)	_
Disposal		1		0.0	\$0	\$0	\$0	<u> </u>
Personnel		1		0.0	\$0	\$0	\$0	_
Inspection/Reporting/Sampling	1.1			0.0	\$0	\$0	\$0	7
Supplies/equipment				0.0	\$0	,\$0	, \$0	
Financial Assurance [2]				0.0	\$0	\$0	\$0	7
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0.	
Other (as needed)				0.0	\$0	\$0	\$0.	╛
-94								1
Notes for AVOIDED costs								
Approx. Cost of Compliance		\$100			TOTAL			7
							and the second	150 L

Scre	ening Date	31-Jul-2007			ocket No	o. 2007-1239-PST-	E	PCW
	Respondent	Arash The Ar	cher Corporat	tion dba Cornei	Food Store	e	Policy Re	vision 2 (September 2002)
	Case ID No.	34354					PC	W Revision June 26, 2007
Reg. Ent. Ref	ference No.	RN10204272	8					
Med	lia [Statute]	Petroleum St	orage Tank					
	Coordinator							
Viol	ation Number	4						
	Rule Cite(s)	30 Toy	Admin Cod	o 6 224 9(o)(5)	(A)(i) and T	ex. Water Code § 2	6 2467(a)	
		l					- 1	
Violatio	n Description	before a	cepting deliv	ery of a regulat ent accepted or	ed substan	d, current TCEQ de ce into the USTs at twenty-one fuel del	the Station.	
						,	Base Penalty	\$10,000
>> Environmenta	I, Property a	nd Human	Health Ma	trix				
			Harm					
	Release	Major	Moderate	Minor	ı			
OR	Actual							
	Potential					Percent	0%	
>>Programmatic	Matrix							
Frogrammatic	Falsification	Major	Moderate	Minor				
	raisincation	X	Moderate	IVIII TOI		Percent	10%	
	<u> </u>		<u> </u>	<u> </u>	I	. 5.55	1070	*
Matrix			100% of th	e rule requirem	nent was no	ot met.		
Notes				•				
	L							•
						Adjustment	\$9,000	
	F.							<b>#</b> 4.000
•							Į	\$1,000
Violation Events								
Violation Events		, and						
	Number of Vic	olation Events	1	7 [	20	Number of violat	ion days	
		i	<u> </u>	-1 L	<u> </u>		,	
		daily						
		monthly		]				
	mark only one	quarterly				Violatio	on Base Penalty	\$1,000
	with an x	semiannual						
		annual		_				
		single event	Х	]				
					······			1
	One single	event is recom	mended base			e violation during th	e July 11, 2007	
				investigatio	on.			
Economic Benefi	t (EB) for th	is violation			•	Statutory Lin	nit Test	
	Estimated	d EB Amount		\$0	]	Violation Fin	al Penalty Total	\$1,150
				This violation	Einal Acc	need Danathi (adi	usted for limits	\$1,150
				montation	rinal ASS	essed Penalty (adj	usteu ior iiriii(S)	φ1,150

Reg. Ent. Reference No.	. 34354 RN102042728				\$ t <sub>1</sub>	all and the second second	
	Petroleum Stor	age Tank				Percent Interest	Years of Depreciation
					10/10/74	5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	BB'Amount
Item Description	No commas or \$	SAME SEEDING	Ada a da		tera A	professional	
						i. Onese presenta de la compania de la	
Delayed Costs	,	1		7	I 40	1 Ao 1	40
Equipment				0.0	\$0	\$0. \$0	\$0 \$0
Bulldings				0.0	\$0 \$0	\$0	\$0 \$0
Other (as needed) Engineering/construction			<del></del>	0.0	\$0	\$0	\$0 \$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling			***************************************	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)			1. \$ 11.1E. II	0.0	\$0	n/a	\$0
Notes for DELAYED costs		NIIALIZE [1] avoide	in the state of th	in a payment	d in violation no. 3	au ''	osts)
Avoided Costs			in the state of th	entering	item (except for	one-time avoided o	
			in the state of th	in a payment		au ''	sosts) \$0 \$0
Avoided Costs			in the state of th	entering	item (except for	one-time avoided o	\$0
Avoided Costs Disposal Personnel			in the state of th	entering 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling			in the state of th	0.0 0.0 0.0 0.0 0.0	\$0   \$0   \$0   \$0   \$0   \$0   \$0   \$0	one-time avoided c	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			in the state of th	0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0	one-time avoided c	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			in the state of th	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	tem (except for   \$0	one-time avoided c	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			in the state of th	0.0 0.0 0.0 0.0 0.0 0.0	tem (except for   \$0	one-time avoided c	\$0 \$0 \$0 \$0 \$0 \$0

# **Compliance History**

REGISTRATION 2402 W MAIN ST, LEAGUE CITY, TX, 77573 Rating Date: 9/1/2006 Repeat Violator: NO  TCEQ Region: REGION 12 - HOUSTON  Date Compliance History Prepared: Agency Decision Requiring Compliance History: Enforcement Compliance Period: July 30, 2002 to July 30, 2007  TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History	Custome	er/Respondent/Owner-Opera	ator: CN601677131	Arash The Archer Corporati	ion	Classification: AVER	RAGE Rating: 3.50
REGISTRATION   REGI	Regulate	ed Entity:	RN102042728	CORNER FOOD STORE		Classification: AVER	AGE Site Rating: 3.50
TORGO Region:	ID Number(s):					TION	43968
Date Compliance History Prepared:  July 30, 2007  Agency Decision Requiring Compliance History:  Enforcement  July 30, 2007  TCEC Staff Member to Contact for Additional Information Regarding this Compliance History  Name:  Rejest Achanya  Rejest Achanya  Rejest Achanya  Rejest Achanya  Site Compliance History Components  1. Has the site been in existence and/or operation for the full five year compliance period?  1. Has the site been in existence and/or operation for the full five year compliance period?  1. Has the site been in existence and/or operation for the full five year compliance period?  1. Has the site been in existence and/or operation for the full five year compliance period?  1. Has the site been in existence and/or operation for the full five year compliance period?  1. Has the site been in existence and/or operation for the full five year compliance period?  1. Has the site been in existence and/or operation for the full five year compliance period?  1. Has the site been in existence and/or operation for the full five year compliance period?  1. Has the site been in existence and/or operation for the full five year compliance period?  NA  1. His the current comer?  NA  1. What is the current comer?  NA  2. What is the current comer?  NA  2. What is the current comer?  NA  3. If Yes, who is the current comer?  NA  3. If Yes, who is the current comer?  NA  3. The approval dates of investigations (CCEDS Inv. Track. No.)  NA  1. Description:  NA  3. If Na (10804/2008)  1. 10814/2008 (438122)  1. 10814/200	Location	:				Rating Date: 9/1/200	6 Repeat Violator: NO
Agency Decision Requiring Compliance History Compliance Paried:    July 30, 2002 to July 30, 2007   Site Compliance History	TCEQ R	egion:	REGION 12 - HO	USTON	-		
Compliance Period:  July 30, 2002 to July 30, 2007  TCEG Staff Mumber to Centact for Additional Information Regarding this Compliance History  Name: Rajesh Acharya Phone: (612) 239-9577  Site Compliance History Components  1. Has the site been in existence anclor operation for the full five year compliance period? Yes  2. Has there been a (known) change in ownership of the site during the compliance period? Yes  3. If Yes, who is the current owner? N/A  3. If Yes, who is the current owner?  5. When did the change(s) in ownership occur?  N/A  Components (Multimedia) for the Site:  A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  N/A  B. Any criminal convictions of the state of Texas and the federal government.  N/A  C. Chronic excessive emissions events.  N/A  D. The approval dates of investigations, (CCEDS Inv. Track. No.)  N/A  1 0404/2000 (276172)  2 1 0404/2000 (491191)  3 1011/20005 (491919)  3 1011/20005 (491919)  Self Report? N/O  Clictor:  Description:  Self Report?  Clictor:  Self Report?  On Any Chapter 115, SubChapter C 115.246(6)  Failure to maintain proof of alternative and conducted on any part of the Stage II equipment.  Self Report?  On Clictor:  Self Report?  On Any Chapter 115, SubChapter C 115.246(6)  Failure to maintain proof of alternative and completion of the training with the documentation of all stage II training for each employee.  Self Report?  On Clictor:  Self Report?  On Any Chapter 115, SubChapter C 115.246(6)  Failure to maintain a record of any maintenance conducted on any part of the Stage II equipment.  Self Report?  On Clictor:  Self Report?  On Any Chapter 115, SubChapter C 115.246(5)  Failure to maintain a record of the results of testing conducted at the motor vehicle fuel depends on the conducted of the results of testing conducted at the motor vehicle fuel depends on the conducted at th	Date Co	mpliance History Prepared:	July 30, 2007				
Name:   Reject Acharya   Phone:   (512) 239-0577	Agency	Decision Requiring Complia	nce History: Enforcement				
Name:   Rajesh Acharys   Phone: (612) 239-0577	Complia	nce Period:	July 30, 2002 to 3	luly 30, 2007			
1. Has the site been in existence and/or operation for the full five year compliance period? 2. Has there been a (Rnown) change in ownership of the site during the compliance period? 3. If Yes, who is the current owner? 4. If Yes, who was/were the prior owner(s)? 5. When did the change(s) in ownership occur? 7. No A  Components (Multimedia) for the Site:  A. Final Enforcement Orders, courl judgements, and consent decrees of the state of Texas and the federal government.  N/A  B. Any criminal convictions of the state of Texas and the federal government.  N/A  D. The approval dates of investigations, (CCEDS inv. Track. No.)  N/A  D. The approval dates of investigations, (CCEDS inv. Track. No.)  N/A  D. The approval dates of investigations, (CCEDS inv. Track. No.)  N/A  D. Written notices of violations (NOV), (CCEDS inv. Track. No.)  E. Written notices of violations (NOV), (CCEDS inv. Track. No.)  Date: 08/29/2005 (409843)  Self Report?  NO  Classification:  Self Report?  NO  Classification:  Self Report?  NO  Classification:  Minor  Citation:  Sol TAC Chapter 115, SubChapter C 115,246(5)  Description:  Failure to maintain proof of altendance and completion of the training with the documentation of all Slage II training for each employee.  Classification: Minor  Classif	TCEQ S Name:						
2. Has there been a (known) change in ownership of the site duting the compliance period?  3. If Yes, who is the current cowner?  4. If Yes, who was/were the prior owner(s)?  5. When did the change(s) in ownership occur?  6. When did the change(s) in ownership occur?  7. What is the current (Multimedia) for the Site:  7. A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  8. N/A  8. Any criminal convictions of the state of Texas and the federal government.  8. N/A  9. Any criminal convictions of the state of Texas and the federal government.  8. N/A  9. Chronic excessive emissions events.  8. N/A  9. The approval dates of investigations. (CCEDS Inv. Track. No.)  9. And 1 08042003 (276172)  9. 08042003 (401813)  9. 1014042005 (401813)  9. 1014042006 (438182)  5. 04042006 (438182)  5. 04042006 (438182)  6. Citation:  9. Date: 08292005 (401813)  9. Citation:  Self Report?  10. O. Clastinc:  Self Report?  10. O. Clastinc:  Description:  Self Report?  10. O. Clastification: Minor  Classification: Minor			Site C	ompliance History Comp	onents		
5. When did the change(s) in ownership occur?  Components (Multimedia) for the Site:  A. Final Enforcement Orders, courl judgements, and consent decrees of the state of Texas and the federal government.  N/A  B. Any criminal convictions of the state of Texas and the federal government.  N/A  C. Chronic excessive emissions events.  N/A  D. The approval dates of investigations, (CCEDS Inv. Track. No.)  N/A  1 08/04/2003 (276172) 2 08/29/2005 (401813) 3 10/13/2006 (454209)  E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  Date: 08/29/2005 (401813) Self Report? NO Citation: 30 TAC Chapter 115, SubChapter C 115.246(7)(A) Description: Self Report? NO Citation: 30 TAC Chapter 115, SubChapter C 115.246(6) Description: Failure to maintain a record of any maintain a record of the results of testing conducted at the motor vehicle fuel dispersing featily.  Self Report? NO Citation: 30 TAC Chapter 115, SubChapter C 115.246(3) Failure to maintain proof of attendance and completion of the training with the documentation of all Stage Il training for each employee.  Self Report? NO Citation: 30 TAC Chapter 115, SubChapter C 115.246(3) Failure to maintain a record of any maintenance conducted on any part of the Stage II equipment.  Self Report? NO Citation: 30 TAC Chapter 115, SubChapter C 115.246(3) Failure to maintain a record of any maintenance conducted on any part of the Stage II equipment.  Minor Citation: 30 TAC Chapter 115, SubChapter C 115.246(5) Failure to maintain a record of the results of testing conducted at the motor vehicle fuel dispersing facility.	2. Has th	nere been a (known) change	•	•	No		
Components (Multimedia) for the Site:  A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  N/A  B. Any criminal convictions of the state of Texas and the federal government.  N/A  C. Chronic excessive emissions events.  N/A  D. The approval dates of investigations. (CCEDS Inv. Track. No.)  N/A  1 08/04/2003 (276172)  N/A  2 08/29/2005 (401813) 3 10/13/2005 (409444) 4 12/19/2005 (438122) 5 04/04/2006 (454209)  E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  Date: 08/29/2005 (401813)  Self Report? NO  Citation: 30 TAC Chapter 115, SubChapter C 115.246(7)(A)  Description: Facility Manager provided and records upon request from GCHD Investigators  Self Report? NO  Citation: 30 TAC Chapter 115, SubChapter C 115.246(4)  Description: Fallure to maintain proof of attendance and completion of the training with the documentation of all Stage II training for each employse.  Self Report? NO  Citation: 30 TAC Chapter 115, SubChapter C 115.246(4)  Description: Fallure to maintain a record of any maintenance conducted on any part of the Stage II equipment.  Self Report? NO  Citation: 30 TAC Chapter 115, SubChapter C 115.246(5)  Pescription: Fallure to maintain a record of the results of testing conducted at the motor vehicle fuel disponsing facility.	4. if Yes	s, who was/were the prior ov	vner(s)?		N/A		
A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  N/A  B. Any criminal convictions of the state of Texas and the federal government.  N/A  C. Chronic excessive emissions events.  N/A  D. The approval dates of investigations. (CCEDS Inv. Track. No.)  N/A 1 08/04/2003 (276172)  N/A 2 08/29/2005 (401813) 3 10/13/2005 (409444) 4 12/19/2005 (438122) 5 04/04/2006 (448129)  E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  Date: 08/29/2005 (401813)  Self Report? NO Clastion: Description: Self Report? NO Classification: Minor  Citation: 30 TAC Chapter 115, SubChapter C 115.246(7)(A)  Description: Failitre to provide daily inspection records.  Self Report? NO Clastion: Minor  Citation: 30 TAC Chapter 115, SubChapter C 115.246(4)  Description: Failitre to maintain proof of attendance and completion of the training with the documentation of all Stage II training for each employse.  Self Report? NO Classification: Minor  Citation: 30 TAC Chapter 115, SubChapter C 115.246(4)  Description: Failure to maintain a record of the results of testing conducted on any part of the Stage II equipment.  Self Report? NO Classification: Minor	5. When	n did the change(s) in owner	rship occur?		N/A		
B. Any criminal convictions of the state of Texas and the federal government.  N/A  C. Chronic excessive emissions events.  N/A  D. The approval dates of investigations. (CCEDS Inv. Track. No.)  N/A 1 08/04/2003 (276172) 2 08/29/2005 (401813) 3 10/13/2005 (406444) 4 12/19/2005 (438122) 5 04/04/2006 (454209)  E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  Date: 08/29/2005 (401813)  Self Report? NO Classification: Minor Citation: 30 TAC Chapter 115, SubChapter C 115.246(7)(A)  Description: Facility Manager provided no records upon request from GCHD Investigators Self Report? NO Classification: Minor Citation: 30 TAC Chapter 115, SubChapter C 115.246(6)  Description: Failure to provide daily inspection records. Self Report? NO Classification: Minor Citation: 30 TAC Chapter 115, SubChapter C 115.246(4) Description: Failure to maintain proof of attendance and completion of the training with the documentation of all Stage II training for each employee.  Self Report? NO Classification: Minor Citation: 30 TAC Chapter 115, SubChapter C 115.246(3) Description: Failure to maintain a record of any maintenance conducted on any part of the Stage II equipment.  Self Report? NO Classification: Minor Citation: 30 TAC Chapter 115, SubChapter C 115.246(5) Failure to maintain a record of the results of testing conducted at the motor vehicle fuel dispensing facility.	Compo	onents (Multimedia) for	the Site :				
B. Any criminal convictions of the state of Texas and the federal government.  N/A  C. Chronic excessive emissions events.  N/A  D. The approval dates of investigations. (CCEDS Inv. Track. No.)    N/A	A.	Final Enforcement Order	s, court judgements, and consent	decrees of the state of Texas	and the federa	I government.	
C. Chronic excessive emissions events.  N/A  D. The approval dates of investigations. (CCEDS Inv. Track. No.)  N/A  1 08/04/2003 (276172) 2 08/09/2005 (401813) 3 10/13/2005 (408444) 4 12/19/2005 (438122) 5 04/04/2006 (454209)  E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  Date: 08/29/2005 (401813)  Self Report?  Citation: Description: Self Report? Citation: Description: Self Report? Citation: Description: Self Report? NO Citation: Description: Self Report? Citation: Description: Self Report? NO Citation: Description: Self Report? Failure to maintain proof of attendance and completion of the training with the documentation of all Stage II training for each employee.  Self Report? No Citation: Description: Self Report? No Citation: Self Report? No Citation: Description: Self Report? No Citation: OCItation: Self Report? No Citation: Description: Self Report? No Citation: Self Report? No Citation: OCItation: Self Report? No Citation: Self Report? No Classification: Minor Citation: Minor		N/A					
C. Chronic excessive emissions events.  N/A  D. The approval dates of investigations. (CCEDS Inv. Track. No.)  N/A 1 08/04/2003 (276172) 2 08/29/2005 (401813) 3 10/13/2005 (406444) 4 12/19/2005 (454209)  E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  Date: 08/29/2005 (401813) Self Report? NO Classification: Minor Citation: 30 TAC Chapter 115, SubChapter C 115.246(7)(A) Poscription: Facility Manager provided no records upon request from GCHD Investigators Self Report? NO Classification: Minor Citation: 30 TAC Chapter 115, SubChapter C 115.246(6) Poscription: Fallure to provide daily inspection records. Self Report? NO Classification: Minor Citation: 30 TAC Chapter 115, SubChapter C 115.246(6) Poscription: Fallure to provide daily inspection records. Self Report? NO Classification: Minor Citation: 30 TAC Chapter 115, SubChapter C 115.246(1) Description: Fallure to maintain proof of attendance and completion of the training with the documentation of all Stage II training for each employee.  Self Report? NO Classification: Minor Citation: 30 TAC Chapter 115, SubChapter C 115.246(3) Failure to maintain a record of any maintenance conducted on any part of the Stage II equipment.  Self Report? NO Classification: Minor Citation: Minor Citation: 30 TAC Chapter 115, SubChapter C 115.246(3) Failure to maintain a record of any maintenance conducted on any part of the Stage II equipment.  Self Report? NO Classification: Minor Citation: Minor Citation: Minor Citation: Minor Citation: Minor Citation: Minor Classification: Minor Citation:	B.	·	of the state of Texas and the fede	ral government.			
D. The approval dates of investigations. (CCEDS Inv. Track. No.)    N/A	C		ions events				
D. The approval dates of investigations. (CCEDS Inv. Track. No.)    N/A	0.		iono evento.				
N/A   1 08/04/2003   (276172)   (208/29/2005 (401813)   (405444)   (4 12/19/2005 (438122)   (454209)   (454209)   (401813)   (4018	D.		vestigations (CCFDS Inv. Track.)	No.)			
Self Report? NO Classification: Minor Citation: 30 TAC Chapter 115, SubChapter C 115.246(7)(A) Description: Facility Manager provided no records upon request from GCHD Investigators Self Report? NO Classification: Minor Citation: 30 TAC Chapter 115, SubChapter C 115.246(6) Description: Failure to provide daily inspection records. Self Report? NO Classification: Minor Citation: 30 TAC Chapter 115, SubChapter C 115.246(4) Description: Failure to maintain proof of attendance and completion of the training with the documentation of all Stage II training for each employee.  Self Report? NO Classification: Minor Citation: 30 TAC Chapter 115, SubChapter C 115.246(3) Failure to maintain a record of any maintenance conducted on any part of the Stage II equipment.  Self Report? NO Classification: Minor Citation: 30 TAC Chapter 115, SubChapter C 115.246(5) Failure to maintain a record of the results of testing conducted at the motor vehicle fuel dispensing facility.		N/A 1 08/04/2003 2 08/29/2005 3 10/13/2005 4 12/19/2005	(276172) (401813) (406444) (438122)				
Self Report? NO Citation: 30 TAC Chapter 115, SubChapter C 115.246(7)(A) Description: Self Report? NO Citation: 30 TAC Chapter 115, SubChapter C 115.246(6) Description: Self Report? NO Citation: 30 TAC Chapter 115, SubChapter C 115.246(6) Description: Self Report? NO Citation: 30 TAC Chapter 115, SubChapter C 115.246(4) Citation: 30 TAC Chapter 115, SubChapter C 115.246(4) Description: Failure to maintain proof of attendance and completion of the training with the documentation of all Stage II training for each employee.  Self Report? NO Classification: Minor Citation: 30 TAC Chapter 115, SubChapter C 115.246(3) Description: Failure to maintain a record of any maintenance conducted on any part of the Stage II equipment.  Self Report? NO Classification: Minor Citation: 30 TAC Chapter 115, SubChapter C 115.246(5) Failure to maintain a record of the results of testing conducted at the motor vehicle fuel dispensing facility.	E.	Written notices of violation	ons (NOV). (CCEDS Inv. Track. N	o.)			
Citation: 30 TAC Chapter 115, SubChapter C 115.246(7)(A)  Description: Facility Manager provided no records upon request from GCHD Investigators  Self Report? NO Classification: Minor  Citation: 30 TAC Chapter 115, SubChapter C 115.246(6)  Description: Failure to provide daily inspection records.  Self Report? NO Classification: Minor  Citation: 30 TAC Chapter 115, SubChapter C 115.246(4)  Description: Failure to maintain proof of attendance and completion of the training with the documentation of all Stage II training for each employee.  Self Report? NO Classification: Minor  Citation: 30 TAC Chapter 115, SubChapter C 115.246(3)  Description: Failure to maintain a record of any maintenance conducted on any part of the Stage II equipment.  Self Report? NO Classification: Minor  Citation: 30 TAC Chapter 115, SubChapter C 115.246(5)  Description: 30 TAC Chapter 115, SubChapter C 115.246(5)  Failure to maintain a record of the results of testing conducted at the motor vehicle fuel dispensing facility.			,	Classi	fination. NA		
Description: Failure to provide daily inspection records.  Self Report? NO Classification: Minor  Citation: 30 TAC Chapter 115, SubChapter C 115.246(4)  Description: Failure to maintain proof of attendance and completion of the training with the documentation of all Stage II training for each employee.  Self Report? NO Classification: Minor  Citation: 30 TAC Chapter 115, SubChapter C 115.246(3)  Description: Failure to maintain a record of any maintenance conducted on any part of the Stage II equipment.  Self Report? NO Classification: Minor  Citation: 30 TAC Chapter 115, SubChapter C 115.246(5)  Description: Failure to maintain a record of the results of testing conducted at the motor vehicle fuel dispensing facility.		Citation: Description: Self Report? N	30 TAC Chapter 115, SubChap Facility Manager provided no re O	ter C 115.246(7)(A) cords upon request from GCH Classi	ID Investigator	S	
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Self Report?  NO Classification: Minor  Citation: 30 TAC Chapter 115, SubChapter C 115.246(3)  Description: Failure to maintain a record of any maintenance conducted on any part of the Stage II equipment.  Self Report?  NO Classification: Minor  Citation: 30 TAC Chapter 115, SubChapter C 115.246(5)  Description: Failure to maintain a record of the results of testing conducted at the motor vehicle fuel dispensing facility.			Failure to maintain proof of atte	ndance and completion of the	training with th	е	
Description: Failure to maintain a record of any maintenance conducted on any part of the Stage II equipment.  Self Report? NO Classification: Minor  Citation: 30 TAC Chapter 115, SubChapter C 115.246(5)  Description: Failure to maintain a record of the results of testing conducted at the motor vehicle fuel dispensing facility.		•	10	Classi	fication: Mi	nor	
Self Report? NO Classification: Minor  Citation: 30 TAC Chapter 115, SubChapter C 115.246(5)  Description: Failure to maintain a record of the results of testing conducted at the motor vehicle fuel dispensing facility.			Failure to maintain a record of a		n any part of th	e Stage II	
dispensing facility.		Citation:	IO 30 TAC Chapter 115, SubChap	ter C 115.246(5)			
		·	dispensing facility.	•			

Citation:

30 TAC Chapter 115, SubChapter C 115,246(1)

Description:

Failure to maintain a copy of the California Air Resources Board (CARB) Executive

Order(s) for the Stage II vapor recovery system and any related components installed at

the facility.

Self Report?

NO

30 TAC Chapter 115, SubChapter C 115.248(1)[G]

Citation: Description:

Failure to ensure every current and future employee is aware of the purposes and

correct operating procedures of the Stage II system.

Date: 12/19/2005

(438122)

Self Report? Citation:

30 TAC Chapter 115, SubChapter C 115.246(7)(A)

Description:

Facility Manager provided no records upon request from GCHD Investigators

Self Report? NO Classification: Minor

Classification:

Classification:

Citation:

30 TAC Chapter 115, SubChapter C 115.246(6)

Description:

Failure to provide daily inspection records.

Self Report?

NO

Minor

Minor

Moderate

Classification:

Classification:

Classification:

Classification:

Minor

Minor

Citation:

30 TAC Chapter 115, SubChapter C 115,246(4)

Description:

Failure to maintain proof of attendance and completion of the training with the

documentation of all Stage II training for each employee.

Self Report?

NO

30 TAC Chapter 115, SubChapter C 115,246(3)

Citation:

Description:

Failure to maintain a record of any maintenance conducted on any part of the Stage II

equipment.

Self Report?

NO

30 TAC Chapter 115, SubChapter C 115.246(5)

Citation: Description:

Failure to maintain a record of the results of testing conducted at the motor vehicle fuel

dispensing facility.

Self Report?

NO

30 TAC Chapter 115, SubChapter C 115.248(1)[G]

Citation: Description:

Failure to ensure every current and future employee is aware of the purposes and

correct operating procedures of the Stage II system. (454209)

Date: 04/04/2006

Self Report? NO Classification:

Minor

Moderate

Citation:

30 TAC Chapter 115, SubChapter C 115,246(4)

Description:

Failure to maintain proof of attendance and completion of the training with the documentation of all Stage II training for each employee.

Self Report?

NO

Classification: Moderate

Citation:

30 TAC Chapter 115, SubChapter C 115.248(1)[G]

Description:

Failure to ensure every current and future employee is aware of the purposes and

correct operating procedures of the Stage II system.

Environmental audits.

Type of environmental management systems (EMSs). G.

Voluntary on-site compliance assessment dates. H.

Participation in a voluntary pollution reduction program.

N/A

Early compliance. J.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
ARASH THE ARCHER CORPORATION	§	
DBA CORNER FOOD STORE	§	
RN102042728	§	ENVIRONMENTAL QUALITY

### AGREED ORDER DOCKET NO. 2007-1239-PST-E

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Arash The Archer Corporation dba Corner Food Store ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

#### I. FINDINGS OF FACT

- 1. The Respondent owns and operates a convenience store with retail sales of gasoline at 2402 West Main Street in League City, Galveston County, Texas (the "Station").
- 2. The Respondent's two underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. The Station consists of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
- 3. During an investigation on July 11, 2007, TCEQ staff observed and documented that the Respondent:
  - a. Did not maintain a copy of the California Air Resources Board ("CARB") Executive Order, maintenance log for all repair conducted on the Stage II equipment, the employee training records, and Stage II test results at the Station;
  - b. Did not upgrade the Stage II vapor recovery system to onboard refueling vapor recovery ("ORVR") compatible systems;
  - c. Did not post operating instructions on the front of each gasoline dispensing pump;
  - d. Did not renew the delivery certificate prior to the expiration date of April 30, 2006; and
  - e. Accepted one hundred twenty-one fuel deliveries without a delivery certificate.
- 4. The Respondent received notice of the violations on July 31, 2007.
- 5. The Executive Director recognizes that the Respondent submitted a completed UST registration and self-certification form and obtained a TCEQ delivery certificate on August 1, 2007.

## II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002 and ch. 26, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 3.a., the Respondent failed to maintain all required Stage II records at the Station and make them immediately available for review upon request by the authorized representatives of the Executive Director, in violation of 30 Tex. ADMIN. CODE § 115.246(1), (3), (4), (5), (6) and Tex. Health & Safety Code § 382.085(b).
- 3. As evidenced by Findings of Fact No. 3.b., the Respondent failed to upgrade the Stage II vapor recovery system to ORVR compatible systems, in violation of 30 Tex. ADMIN. CODE § 115.242(1)(C) and Tex. Health & Safety Code § 382.085(b).

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- 4. As evidenced by Findings of Fact No. 3.c., the Respondent failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system, in violation of 30 Tex. ADMIN. CODE § 115.242(9) and Tex. Health & SAFETY CODE § 382.085(b).
- 5. As evidenced by Findings of Fact No. 3.d., the Respondent failed to renew a delivery certificate by timely and proper submission of a completed UST registration and self-certification form to the agency at least 30 days before the expiration date of the delivery certificate, in violation of 30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii).
- 6. As evidenced by Findings of Fact No. 3.e., the Respondent failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs at the Station, in violation of 30 Tex. ADMIN. CODE § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a).
- 7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 8. An administrative penalty in the amount of Four Thousand Six Hundred Dollars (\$4,600) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Water Code § 7.053. The Respondent has paid One Hundred Fifty-Five Dollars (\$155) of the administrative penalty. The remaining amount of Four Thousand Four Hundred Forty-Five Dollars (\$4,445) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Twenty-Seven Dollars (\$127) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Four Thousand Six Hundred Dollars (\$4,600) as set forth in Section II, Paragraph 8 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not

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be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Arash The Archer Corporation dba Corner Food Store, Docket No. 2007-1239-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, begin maintaining all Stage II records at the Station, in accordance with 30 Tex. ADMIN. CODE § 115.246;
  - b. Within 30 days after the effective date of this Agreed Order, upgrade the Stage II vapor recovery system to ORVR compatible systems, and post operating instructions on the front of each gasoline dispensing pump, in accordance with 30 Tex. ADMIN. CODE § 115.242; and
  - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Arash The Archer Corporation dba Corner Food Store DOCKET NO. 2007-1239-PST-E Page 5

### with a copy to:

Waste Section Manger Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

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Arash The Archer Corporation dba Corner Food Store DOCKET NO. 2007-1239-PST-E Page 6

10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

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Arash The Archer Corporation dba Corner Food Store DOCKET NO. 2007-1239-PST-E Page 7

# SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

2/25/205B

P. 08

I, the undersigned, have read and understand the attached Agreed Order in the matter of Arash The Archer Corporation dba Corner Food Store. I am authorized to agree to the attached Agreed Order on behalf of Arash The Archer Corporation dba Corner Food Store, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Arash The Archer Corporation dba Corner Food Store waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

A negative impact on compliance history;

Greater scrutiny of any permit applications submitted;

Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;

Increased penalties in any future enforcement actions;

Automatic referral to the Attorney General's Office of any future enforcement actions; and

TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

TIKBET AZVIIC

Name (Printed or typed)
Authorized Representative of

Arash The Archer Corporation dba Corner Food Store

11-12-07

Doto

President

Title

Instructions: Send the original signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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